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Myanmar's Political Transformation: A Bird's Eye View

For the most time since independence in 1948, Myanmar had been ruled by a ruthless military junta which also controlled large swathes of the economy. In 2008, the military promulgated, as part of its so-called "roadmap to democracy" process, a new constitution which foresaw the holding of free and fair elections for the country's new bicameral parliament. Notably, the military retained a de facto veto over future constitutional changes by reserving a quarter of the seats in both houses of parliament for military appointees. The new constitution also stipulated that the ministries for defence, home, and border affairs needed to be headed by military appointees, thus enshrining prerogatives for the military and paving the way for a system of hybrid governance.

2011 marked the beginning of a process of political transformation, with Senior General Than Shwe stepping down as head of the armed forces and as head of state. His hand-picked successor in the latter office, Thein Sein, became the first democratically elected president of Myanmar. Thein Sein proved willing to work with Aung San Suu Kyi, the leader of the oppositional National League for Democracy (NLD) which successfully registered for national elections later in the year. In the parliamentary by-elections of 2012, the NLD won forty-three of the available forty-five seats, with

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Aung San Suu Kyi becoming a member of the House of Representatives. The 2015 general elections, the first openly contested elections since 1990, then saw the NLD win a sizeable majority in both houses of parliament, making it not only the governing party but also ensuring the 2016 election of its candidate Htin Kyaw as the first civilian president of Myanmar. Being constitutionally barred from the presidency herself, Aung San Suu Kyi was elected in 2016 to a newly created office, the State Counsellor of Myanmar, making her the de facto head of government. These developments created high expectations inside and outside the country and led optimistic observers to believe that the country had now embarked on a genuine transition to democracy. In any case, the unexpected, quickly evolving political opening meant that Myanmar was now more democratic than at any point in the past half century (Simpson et al., 2018: 433).

However, the following three years were marked not only by a lack of further deep-going political – or, for that matter, economic – reforms and a lacklustre peace process but also by a most brutal ethnic-cleansing campaign carried out by the army against Muslim Rohingya in Rakhine province as well as the general deterioration of political freedoms and civil rights (cf. Chambers and McCarthy, 2018: 3–8; Walton, 2018: 312–318). Aung San Suu Kyi's refusal to criticise the atrocities committed by the military in Rakhine province led to the seventy-four-year old, who has once been hailed as a beacon of democracy, falling from grace in the "West" and beyond. Questions were also raised as to whether the NLD really stood for the whole of Myanmar or only for its Bamar ethnic majority. Myanmar's political development path in recent years serves as a useful reminder – if any was needed – that political liberalisation does not necessarily mean transition to democracy.

Going to press less than a year before the 2020 general elections in Myanmar, this special issue explores the state of political transformation in Myanmar since 2011. In this introduction, we first place Myanmar's political transformation in global and regional context. We then sketch the issues facing the country's political transformation process and finally provide an overview of the contributions to the special issue. The special issue originated from the conference "Shaping Past, Present, and Future: Political Parties and State Transformation in Myanmar" which was held in November 2018 in Yangon and organised by the GIGA German Institute of Global and Area Studies in cooperation with Initiative Austausch and the Myanmar Office of the Friedrich Ebert Foundation (FES). The guest editors of the special issue would like to thank the Goethe Institute in Yangon for providing an excellent conference venue, the former country director of the FES in Myanmar, Alexey Yusupov, for his unflagging support, and last, but certainly not least, our colleagues in academia who either responded enthusiastically to our call for additional papers or who agreed to serve as anonymous reviewers for the papers submitted for this special issue. A separate bilingual (Burmese/English) publication, edited by Richard Roewer, U Myat Thu and Han Htoo Khant Paing, featuring short versions of a selected number of conference papers, is scheduled to be published in Myanmar in cooperation with the Yangon office of the FES in spring 2020.

Myanmar's Political Transformation in Global and Regional Perspective

How does Myanmar's political transformation fit into the broader picture of political transformation at the global and regional levels? Whereas closed autocracies still accounted for around half of the world's countries in 1980, by 2017 their share had dropped to around 12 per cent of regimes in the world. Half of the world's countries qualified in 2017 as either liberal or electoral democracies while electoral autocracies were the most common form of dictatorship (Lührmann and Lindberg, 2019: 1097). Yet, while the world today is more democratic than at any point in the twentieth century, almost one-third of the world's population lives in countries undergoing what the authors of a recent report on global democracy call "autocratisation." Autocratisation is an umbrella term that covers erosion in democratic countries ("democratic backsliding"), the breakdown of democracy, and the worsening of conditions in electoral authoritarian countries (V-Dem Institute, 2019: 14, 15).

More specifically, Anna Lührmann and Staffan I. Lindberg (2019: 1102) argue that a "third wave of autocratization" – following on the first and second reverse wave occurring, respectively, 1922–1942 and 1960–1975 – has been underway since 1994. It gained momentum in recent years, affecting populous countries such as Brazil, India, Turkey, and the United States as well as several Eastern European countries. According to Lührmann and Lindberg (2019: 1103), "[b]y 2017, the third wave of autocratization dominated with the reversals outnumbering the countries making progress. This has not occurred since 1940." Notably, the number of liberal democracies has declined from forty-four in 2008 to thirty-nine in 2018 (V-Dem Institute, 2019: 15) while "[f]reedom of expression and the media, as well as the freedom of civil society, and to some extent the rule of law, are the areas under most severe attack by governments over the last ten years of the current third wave of autocratization" (V-Dem Institute, 2019: 17).

Christian Haerpfer and his co-authors concur that the reverse wave of democratisation, coupled with rising authoritarianism and electoral triumphs of right-wing populism, "has nourished a new pessimism about the prospects of democracy and a general sense of democracy in crisis" (Haerpfer et al., 2019: xii). More optimistically inclined observers may point to the fact that over the past ten years more than twenty countries have become more democratic, testifying to the continued appeal of democratic values (V-Dem Institute, 2019: 25). The list includes countries as diverse as Armenia, Burkina Faso, Georgia, Kyrgyzstan, Tunisia, and Myanmar. Myanmar also stands out as one of the very few countries in Asia that have become more democratic in recent years. Whereas the 1980s and 1990s witnessed no less than seven countries in East Asia experiencing democratic openings – the Philippines in 1986, South Korea in 1986, Mongolia in 1990, Cambodia in 1991, Taiwan and Thailand in 1992, and Indonesia in 1998 – by the end of second decade of the twenty-first century two of these, Cambodia and Thailand, had reverted to authoritarianism, another one, the Philippines, saw a democratically elected leader engaging in authoritarian populism while inclusive democracy was under strain in other democracies in the region such as India, Indonesia, and Japan (cf. Grugel and Bishop, 2014: 308–337; Shin and Tusalem, 2019). With even mainland China having

turned more authoritarian again under President Xi Jinping, Larry Diamond's suggestion that the region might be on the cusp of the next wave of democratisation (Diamond, 2012) had not borne out, at least not in the short term. As Doh Chull Shin and Rollin F. Tusalem (2019: 417) conclude, "East Asia remains a region markedly resistant to the global wave of democratization. Overall, democratization in East Asia has been more like an ebb-and-flow tide rather than a surging wave." Against the background of these trends at the regional level as well troubling trends at the global level, it was no surprise that, at least for some time, so much hope was invested in Myanmar's political transformation process.

How has Myanmar's political transformation in recent years been reflected in some well-known democracy indexes? Whereas the country's political liberalisation since the beginning of the twenty-first century's second decade has seen Myanmar go up in all global and regional rankings, the characterisation of Myanmar's current political regime differs depending on the typologies, criteria, and operationalisations used in the respective indexes and sub-indexes. To start with, the Democracy sub-index of the biannual Bertelsmann Transformation Index (BTI) makes use of a fivefold typology of political regimes, ranging from "democracy in consolidation" to "hard-line autocracy." The BTI assesses the state of democracy in currently 129 countries – established democracies are covered in a separate index – in terms of stateness, political participation, the rule of law, the stability of democratic institutions as well as political and social integration. The index saw Myanmar going up from second-last position, behind only Somalia, in the 2012 BTI (which reflected developments until early 2011) to 104th out of 129 countries assessed in the 2018 BTI, placing Myanmar, in regional terms, between Cambodia and Vietnam. Yet, the 2018 edition of the BTI still considered Myanmar a "hard-line autocracy," not quite passing the bar set for a "moderate autocracy" (Bertelsmann Stiftung, n.d.).

Myanmar is also still considered an authoritarian regime in the 2018 edition of the annually updated Economist Democracy Index (EDI, each edition covering the year in question). The index uses a fourfold typology of political regimes (full democracy, flawed democracy, hybrid regimes, authoritarian regime) and is based on measurements in five categories: electoral process and pluralism, civil liberties, the functioning of government, political participation, and political culture. Whereas only three countries ranked below Myanmar in the 2010 edition of the EDI, namely, Uzbekistan, Turkmenistan, and North Korea, Myanmar moved up in the 2018 edition to 118th position out of the then 167 countries examined in total, and to 22nd position out of the 28 countries examined in Asia where it sat between Pakistan, still considered a hybrid regime, and Cambodia (Economist Intelligence Unit, 2019). In the annual assessments of Freedom House, which uses a simple trifold classification of political regimes (free, partly free, not free), Myanmar moved up from "not free" in the 2011 report (covering the preceding year) to "partly free" in the most recent 2019 report (Freedom House, n.d., 2019).

Finally, the V-Dem Institute and its V-Dem data set, which in recent years has become a go-to resource for political scientists, employs a fourfold typology of political regimes (liberal democracies, electoral democracies, electoral autocracies, closed autocracies). According to data presented in the V-Dem Institute Annual Democracy

Report 2019, Myanmar was considered a closed autocracy in 2008 but had moved by 2018 to electoral autocracy status. Out of the 179 countries assessed, Myanmar stood at 119th position in V-Dem's Liberal Democracy Index in 2018 (V-Dem Institute, 2019: 55). Whereas the 2019 report noted "fragile improvement" in Myanmar between 2008 and 2018 in terms of clean elections, freedom of association, freedom of expression, judicial constraints on the executive, legislative constraints on the executive, participatory and deliberative components, and in term of state fragility, significant weaknesses were noted in terms of equality before the law, egalitarian components, the polarisation of society, and last, but not least, in terms of military interference (V-Dem Institute, 2019: 24). In sum, all these indexes indicate that, despite the progress made in recent years, Myanmar continues to face serious issues in terms of political governance, being still far away from genuine democratisation. In the next section, we change perspective and take a closer look at Myanmar's political liberalisation since 2011.

Myanmar's Political Liberalisation Close Up: Why, How and With What Effect?

Myanmar's political opening after 2011 caught most observers by surprise. Until the late 2000s, the dominant topic had been the extraordinary resilience of the military regime which did not liberalise despite domestic pressures and external sanctions (Hlaing, 2009). While there had been assessments of the possibilities for democratisation, few observers predicted the political opening that followed the 2008 Constitution, the 2010 parliamentary elections and the 2011 change of government. Today, there is considerable disagreement among scholars about the possible causes, pathways, and ultimate outcomes of Myanmar's liberalisation process (Cheesman et al., 2014; Lall, 2016). With structuralist explanations referring to class formations or socio-economic conditions being of rather limited value to explain the political opening, scholars quickly turned to agential factors instead. This approach to democratisation, which links the bargaining between soft-liners within the authoritarian regime and moderate democrats to the nature of the evolving regime, has been particularly useful for explaining Myanmar's trajectory and the character of the evolving polity.

We can identify two rivalling scholarly camps with competing explanations and expectations (Stokke and Aung, 2019). One camp, which we might call optimists, sees the transformation since 2011 as caused by changes at the apex of the military regime, providing a rare opportunity for democratic reforms. The retirement of Senior General Than Shwe in March 2011 and the rise of Thein Sein and other reformist actors within the military regime provided room for a more constructive role of civil society and international actors who abandoned their former confrontative strategies towards the military regime (Lall, 2016; Pederson, 2014). While the international community suspended their sanction policy, moderate civil society organisations such as Myanmar Egress, Vahu Development Institute or the Euro-Burma Office – known as the "Third Force" – lobbied for continued political reforms within the country and for more development aid from outside (Camroux and Egreteau, 2010; Hlaing, 2014). The reforms eventually ushered in legislative changes that allowed Aung San Suu Kyi and

the NLD to participate in the 2012 by-elections and the 2015 general elections, leading to the electoral landslide of the NLD and the first civilian government in half a century (Lidauer, 2012; Maung, 2016). The informal alliance between military reformers and civil society also paved the way for a new peace initiative which culminated in the National Ceasefire Agreement (NCA) signed by eight of the fifteen ethnic armed organisations in October 2015. "Optimists" consequently see the political transition caused by a split within the military itself, providing a unique window of opportunity for reforms and finally leading to a pact between military reformers and democracy icon Aung San Suu Kyi. This gave way to a weakly institutionalised electoral democracy, which remains a work in progress until this day. Despite these reforms, peace remains elusive since some of the most powerful ethnic armed organisations, including the Kachin Independence Organisation, the Myanmar National Democratic Alliance Army, the Taang National Liberation Army, the United Wa State Army, and the Arakan Army, did not sign the NCA.

Scholars in the second camp see Myanmar's reform era in a much more negative light. They interpret Myanmar's reforms as a survival strategy of the quasi-military regime to overcome the danger of factionalism and to increase regime durability by creating power-sharing institutions (Bünte, 2014; Croissant and Kamerling, 2013; Egreteau, 2016). These scholars interpret the reforms as a long-term strategy of the military, already starting in the early 2000s. Following a decade of massive modernisation, the army embarked on a top-down reform policy which aimed at enhancing regime stability and gaining international legitimacy (Callahan, 2014; Chow and Easley, 2016; Egreteau, 2016; Huang, 2013). This interpretation assumes that the Tatmadaw are the dominant, coherent, and, above all, unified force, which have been controlling Myanmar's politics – directly or indirectly – since independence (Callahan, 2003; Nakanishi, 2013; Selth, 2001). The military's self-proclaimed leading role in national affairs is rooted in the Tatmadaw's contributions to state-building, in the rising instability of the early postcolonial period and the rising ethnic rebellions which led to tensions with the civilian government, culminating in the 1958–1960 military caretaker government and the 1962 military coup. The military ruled the country from 1962 to 2011. It reorganised after the 1988 pro-democracy uprising, with the Burma Socialist Programme Party getting replaced by the State Law and Order Restoration Council (renamed State Peace and Development Council in 1995). Ethnic rebellions at the periphery and the pro-democracy movement in the centre challenged military rule but also contributed to its coherence until the retreat from direct military rule in 2011 (Bünte, 2018a; Callahan, 2014). The liberalisation since 2011 was consequently more imposed than pacted and reflected the military's changing (security) interests (Stokke and Aung, 2019). Lee Jones (2014) sees the liberalisation driven by gains in state-building in the 1990s and the vested interests of the military in the borderlands. Since the 1990s, the military has become the dominant actor both in politics and the economy with its own business conglomerates and crony companies, providing benefits in terms of health, education, and access to welfare for military personnel and their families. The opening up consequently also served the purpose of securing the personal and corporate interests of the praetorian elite (Bünte, 2018a; Ford et al., 2014; McCarthy, 2019).

While these two competing interpretations of Myanmar's transition are not necessarily mutually exclusive, they differ in their analysis of the main causes and drivers of change. What is even more important: they infer different possibilities for change and chances for further democratisation. While optimists see peace and democracy as a work in progress (and ongoing duty of democrats and political parties), the second viewpoint emphasises that change is primarily shaped by the Tatmadaw's commitment to peace and security. What kind of polity is evolving? As noted above, Myanmar's liberalisation has not yet passed the threshold to full democratisation. Scholars unanimously agree that it is a hybrid regime combining authoritarian and democratic elements. Myanmar is at best an electoral democracy heavily skewed towards praetorianism (Bünte, 2018a; Egreteau, 2016; Huang, 2017; Stokke and Aung, 2019). Even since political liberalisation in 2011, there have been serious shortcomings inhibiting the democratic process:

1. A high degree of militarisation and reserved domains for the military: Key areas are exempted from the control of elected representatives. In certain matters of state security, the Tatmadaw are solely in charge. According to the 2008 Constitution, the military holds key ministries in the government: the Ministry of Defence, the Ministry of Home Affairs, and the Ministry of Border Affairs, with all ministers being nominated by the Commander-in-Chief of the Armed Forces. The military also controls the National Defence and Security Council (NDSC), a powerful institution responsible for state security – although this body so far has not been convened by Aung San Suu Kyi (Bünte, 2018a). The Tatmadaw also had an immense influence on local affairs since the General Administration Department (GAD), which formed the backbone of the country's administration, had been placed under the Ministry of Home Affairs. The GAD was moved to the Ministry of the Union Government (and thus put under civilian control) only in January 2019. Additionally, the Tatmadaw have the right to administer their own affairs independently; the Commander-in-Chief is the highest arbiter of military justice[1] and can assume control of the state in case of an emergency. The high degree of military power shows that the military's mode of operation has only shifted from ruler to guardian and that a reform of civil–military relations remains a top priority. However, in her first term in office the NLD has not prioritised reforming civil–military relations and the restructuring of the GAD remained the only step towards a demilitarisation of the state (Bünte, 2018a; Myoe, 2017). Kristian Stokke and Soe Myint Aung (2019) also highlight the lack of government control over key areas of economic and social development in the periphery. These are under the control of powerful non-state actors such as ethnic armed organisations, militias, or border guard forces. We also find various forms of mixed authority and hybrid governance arrangements that raise critical questions about control and legitimacy (South, 2018).
2. Weak political representation: Myanmar's electoral democracy allows for democratic elections for both national and regional parliaments. However, only 75 per cent of the country's parliamentary seats are elected, while 25 per cent are appointed by the Commander-in-Chief. While the November 2010 elections had

been widely regarded as deeply flawed, the 2015 elections were generally considered fair and representing the will of the people. However, the definition of the demos was based on the 1982 citizenship law and, consequently, thousands of Rohingyas and members of other minorities (and many Chinese and Indians) were disenfranchised. This raises serious questions about political equality in the country (South and Lall, 2018). The first-past-the-post electoral system also prevents adequate proportional parliamentary representation in ethnically diverse areas (Lemargie et al., 2014). Consequently, we can conclude that parliamentary representation is heavily distorted – favouring the military over civilians and Bamar over ethnic minorities. Also, men are heavily over-represented in parliamentary realms – female representatives make up only 13.7 per cent of all elected MPs in 2016 (Egreteau, 2017; Sein Latt et al., 2016: ii; Stokke and Aung, 2019). Moreover, political parties display deficits in terms of representation: they are often poorly institutionalised and highly centralised. They are built around powerful patrons and exhibit weak links to the general population (Stokke et al., 2017). While political representation through intermediary party channels has its limitations, they cannot be substituted through civil society organisations either. Most of the NGOs lack access and influence – though particularly under the Thein Sein government some NGOs were invited to provide inputs – there are only few examples of substantive civil society impact on government policy. Although they have important roles to play in Myanmar's society, civil society actors cannot provide alternative channels for political representation. Myanmar consequently lacks substantive representation (Stokke and Aung, 2019).

3. Limited freedoms, civil liberties, and a weak rule of law: Whereas the extent of political freedoms widened before the 2015 elections, it is generally acknowledged that under the NLD government the political spaces for certain forms of political action have narrowed again (Bünte, 2018b). While human rights groups, journalists, and NGOs complain about lacking spaces and overt government (and military) repression, ultranationalist groups and ultraconservative monks have used the liberalisation for increased mobilisation – with devastating consequences for the multi-religious society (Walton and Hayward, 2014). Civil society groups have pointed to the rise in defamation cases brought against journalists and activists under the NLD, which has used section 66(d) of the Telecommunication law to silence and intimidate critics. From 2013 to January 2020, more than 250 lawsuits were filed, most of them for online defamation by military officers, government officials, lawmakers, and businessmen close to the military (Aung, 2020). Press freedom is increasingly under threat – restrictions on media have been exacerbated; journalists are not allowed to criticise or cover military affairs nor report from areas of ethnic conflict (Brooten et al., 2019; HRW, 2019). Myanmar's political liberalisation has also seen an increasing mobilisation of ultranationalist Buddhist groups contributing to the outbreak of intercommunal violence and anti-Muslim sentiments. Hate speech increased, particularly via new social media communities (Walton and Hayward, 2014). Sectarian violence and military clearance operations have driven hundreds of thousands of Rohingya

into neighbouring Bangladesh. Myanmar's justice system is failing to provide necessary justice – in the absence of the rule of law (Cheesman, 2015; Prasse-Freeman, 2015), the international community has called for an independent investigation resulting in accusations of crimes against humanity (UN Human Rights Council, 2018). In December 2019, Aung San Suu Kyi had to defend her country from accusations of genocide at the International Court of Justice in The Hague. Domestically, both the government and the military are using the increasing international criticism to rally their supporters behind them and to forge a unity, which is otherwise lacking in the multi-ethnic and multi-religious country.

4. Institutional weaknesses – centralism and poor separation of powers: The 2008 Constitution provides for elections for both national and regional parliaments. However, there is no direct democratic link connecting regional parliaments to regional executives – the chief ministers are appointed by the president. Under the NLD government, the president even appointed chief ministers from the NLD in those regions, where the party could not win a majority (e.g. in Rakhine State and Shan State). Since there is no direct link between regional legislatures and executives, the current regional parliaments do not have significant powers and are often not involved in any discussion of policies of the centre (Stokke and Aung, 2019). This has further alienated ethnic groups that have been demanding a federal system for decades. Although there have been discussions to introduce federalism, both the government and the military have refrained from reforming central–local relations so far. While some argue that the constitution lays a foundation for federalism – the constitution gives regional governments powers to legislate on resource extraction and collect some minor taxes – others opine that federalism is superficial at best (Holliday et al., 2015; Kramer, 2015). A reform of central–local relations is thus a necessary reform for substantial democratisation and conflict resolution.
5. Another institutional weakness refers to the system of presidentialism: The president and the two vice presidents are not directly elected by the people but by an electoral college comprised of both chambers of parliament. Since the military can appoint one candidate as well, at least one vice president is from the military. Aung San Suu Kyi herself was barred from the presidency due to the nationality of her sons. After the 2015 election, the NLD decided to create the position of state counsellor which is similar to the position of prime minister and gives Aung San Suu Kyi the possibility to coordinate government policies. This law, which has the same validity as the term of the president but places her above the president, centralised power in Aung San Suu Kyi's hands. Checks and balances eroded (Bünte, 2018c; Crouch, 2019). Apart from the position of state counsellor, Aung San Suu Kyi assumed four ministerial positions – foreign affairs (to be included in the NDSC), minister of the president's office, electricity and energy, and education.[2] A sizeable part of the civilian administration was consequently under her control – aside from the three ministries remaining under the control of the military. This concentration of power in Aung San Suu Kyi's hands did not have positive effects on Myanmar's transition: to the contrary, we have

practically seen some of the same repressive policies as under the military governments. Consequently, Kristian Stokke and Soe Myint Aung (2019) argue that there is a convergence in the understanding of the democratic opening between the NLD and the Tatmadaw.

6. Authoritarian values and traditional political culture: While there is a lacking commitment towards democracy at the elite level, we find some clashing attitudes towards democracy in the general population as well. According to the findings from the 2015 Asia Barometer Survey, Myanmar's citizens expressed some of Asia's highest support for democracy. However, at the same time we find the lowest support for liberal political values that undergird democratic processes (Chu et al., 2015: 134). The vast majority of people in Myanmar still adheres to authoritarian values and beliefs, and the legacy of authoritarianism is deeply embedded. Over 80 per cent of the respondents expressed support for the idea that religious authorities should have a say in lawmaking, nearly two-thirds oppose checks on the executive. Traditional values are still strong: 68 per cent agree that students should not question the authority of teachers, 81 per cent reject any form of pluralism (Chu et al., 2015: 136). All this shows that Myanmar's current political culture conflicts with the norms of equality, accountability, and pluralism, which is another explanation why the transition after 2015 got stuck and full democratisation has eluded the country.

The Contributions to this Special Issue

To illuminate some of the many issues surrounding Myanmar's political transformation process, the contributors to this special issue provide and employ institutional analysis, political theory, and legal perspectives. They analyse the development of important representative institutions as well as the choice and lack of certain public policies in the NLD era, and they explore why transitional justice did not figure in Myanmar's recent political transformation. In the first article, Renaud Egreteau investigates how Myanmar's parliament has changed since 2011 and whether it is undergoing a process of institutionalisation. Egreteau argues that a parliamentary culture has re-emerged despite capacity and efficiency problems and the continued dominance of the armed forces. He attributes this trend in part to the institutional development of the parliament itself, which now employs about 1,500 permanent staff playing a crucial role in the consolidation of norms. Routinisation has come to shape an institution that partly develops in line with democratic practices. For example, the wish for transparency has led to the recording and publishing of all legislative proceedings. Yet, Egreteau does not simply illustrate the development of rules, regulations, and proceedings, he also illustrates the differences and similarities of the Union Solidarity and Development Party (USDP) and NLD eras. Egreteau argues that the perception of the USDP era as a time of more open and active parliamentary debate (when compared to the NLD era) was not due to stronger checks and balances but rather to the public display of personal rivalries, which was more common in the USDP. Egreteau's analysis of the similarities is striking too: contrary to

expectations in 2015, NLD lawmakers have not engaged in more robust government oversight than their USDP colleagues of the previous term. Indeed, cursory vetting of government policy remains the norm. These new insights into Myanmar's re-emerging parliamentary culture are interesting signposts for Myanmar's transition. Egreteau describes the former as "constrained" but "evolving," the same could be said for the latter.

The focus on institutional aspects of Myanmar's political transformation continues in the second article in which Richard Roewer analyses the organisational structure of the NLD and its implications for the agency of the party and its role in the transformation process. With a view to the three faces of party organisation, Roewer illustrates the relationship between the party in public office, the party in central office, and the party on the ground. He observes that the organisation of the party has evolved comparatively little. Indeed, the party's current constitution resembles its precursor from over thirty years ago in important ways. This is not without repercussions: whereas the party constitution generally suggests the democratic election of important party posts, such as the positions in the party's central executive committee, it also allows for top-down appointments. Consequently, and contrary to pre-2015 expectations, the party continues to become ever more centralised. The party considers this increased centralisation necessary for retrenching the military's influence but the approach is unpopular with NLD members across the party's three faces. MPs have grown increasingly frustrated with what they perceive as a lack of political agency. In fact, Roewer argues that the high degree of centralisation is only possible because of the authority of Aung San Suu Kyi and might well set the party up for future split. Roewer's analysis underlines that Myanmar's transformation process remains prone to authoritarian backsliding.

While Roewer notes how the institutionalisation of the governing party's particular structure is potentially harmful to the political transformation process, Kristian Stokke examines in his article low levels of institutionalisation in ethnic parties. Myanmar's political opening has created new but constrained opportunities for representation, confronting ethnic political parties with the need to find a place for themselves in this new political reality. Stokke addresses existing hypotheses accounting for the weak electoral performance of ethnic parties and their struggle to ensure formal, descriptive, and substantive representation. He shows how party fragmentation, vote-splitting, low levels of institutionalisation, capacity limitations, and unclear boundaries of representation account for the issues that ethnic parties continue to face in a first-past-the-post system dominated by the NLD and the USDP. Stokke draws parallels between 1988 and 2010, pointing to the proliferation of political parties and issues arising from overlapping representation claims. He contextualises systemic disadvantages faced by ethnic parties such as the electoral system and shows that the number of parliamentary seats affected by vote-splitting is smaller than often assumed. Indeed, developing party platforms that move beyond ethnic symbolic politics proves to be the more important but also difficult step towards achieving greater representation. Although many smaller ethnic parties have merged to counteract vote-splitting, they have so far not been able to revise their party platforms in meaningful ways. Competing with the NLD and USDP will require them to create a stronger political narrative. Stokke notes, however, that ethnic parties

might still improve their standing in the 2020 elections – if not due to their institutional changes then because of rising dissatisfaction with the NLD government in ethnic minority areas.

In his article, Matthew Walton explores prevalent negative perceptions of political parties in Myanmar grounded in Theravāda Buddhist conceptions of human nature as inherently self-centred, biased, and morally ignorant. Walton shows how moral scepticism of political parties shapes narratives around the legitimacy of political contestants. He illustrates how major political actors like the military and the NLD have sought to use moralistic accounts referencing the figure of *pu htu zin*, a morally deficient being that encapsulates many of the characteristics of a self-centred political actor. Walton argues that political parties are understood to promote egoism, effectively channelling or augmenting the self-centred nature of the *pu htu zin*. Parties thus stand accused of promoting narrow, personalistic interests. Walton shows how this critique has appeared – in various ways – in the writings of U Ba Khaing, a series of military leaders, and Aung San Suu Kyi. Whereas the interpretations used differ, their purpose is similar as dominant political actors seek to use the critique to elevate their own political legitimacy while devaluing the legitimacy of others. For example, Walton shows how the perils of the *pu htu zin* in politics fed into the military narrative that maturity is necessary to practice democracy, a move used to discredit the NLD following the 1990 election. Yet, the notion also shaped the NLD's desire to present itself as a "Union" party ahead of the 2020 election. The NLD argues that the party works for a "greater goal" rather than for political objectives of a specific group, thus criticising smaller ethnic parties. Importantly, Walton's response to the critique of political parties is not to supplant Burmese concepts with Western ideas but rather to draw on alternative interpretations evident in the writings of General Aung San and the nineteenth-century minister U Hpo Hlaing who present collective, participatory political action as the necessary response to human moral deficiencies.

In his article, Gerard McCarthy shifts the focus from the development and perception of institutional aspects of the political transformation to government policy, exploring how the NLD government has (not) been addressing deep-seated economic inequality in Myanmar. McCarthy provides a fascinating case study showing how programmatic political preferences have been shaped by the political developments and authoritarian legacies of the past thirty years. He notes that although economic justice was a catch-all theme during Burma's independence struggle and a defining subject for postcolonial party politics, matters of class and inequality are now notably absent from the ideology and policy platform of the NLD. McCarthy traces how the dissembling of Ne Win's dysfunctional welfare state, limited market reforms, and the selective suppression of civil society by the junta in the 1990s and 2000s benefited economic elites and religious philanthropic networks. More importantly, McCarthy explains why and how the NLD has come to embrace commercial elites and market liberalisation policies rather than class-based concerns and redistributive policies. He illustrates how the NLD's dependence on donations from economic elites has affected some of its political objectives, importantly the party's pledge to solve disputes over land grabs, for fear of alienating donors who the party portrays as integral actors of the democratisation process.

Consequently, McCarthy argues that structural reforms are necessary if the nascent elements of democracy are to endure in Myanmar.

Whereas McCarthy explores the lack of economic justice, Catherine Renshaw addresses in the final contribution to this special issue the absence of transitional justice mechanisms in Myanmar's political transformation since 2011. Renshaw shows how an argument that pitied justice against peace and gave preference to the latter came to be embraced not only by the military and the opposition in Myanmar but also by Western states and the United Nations. Renshaw also shows how the NLD government tried to strengthen the rule of law through investigations into allegations of misconduct by the military but ultimately failed. Against the backdrop of the atrocities committed against the Rohingya, Renshaw is sceptical about the deterrent effect of international law to protect minority groups in Myanmar. Renshaw evokes Helen Fein's "More Murder in the Middle" thesis to show that partly free states have the highest risk of committing wide-scale atrocities. Consequently, Renshaw is not optimistic about the further course of justice in Myanmar, contending that the country's current state is characterised by uncertainty and confusion – the very circumstances in which extreme violence becomes a viable means for achieving political goals. The article, therefore, also calls to abandon a line of political thinking that values a (fake) peace over transitional justice.

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Notes

1. This can have disastrous effects on human rights, as we have witnessed in the case of the soldiers who were found guilty of the execution of 10 Rohingya villagers in Inn Din in Rakhine State and sentenced to ten years in jail by a military court. After the intervention of the Commander-in-Chief, the soldiers have been released early (Thant, 2019). This not only highlights the lacking accountability for severe human rights violations in the country, but also the ongoing military influence on the justice system.
2. She gave up two of these portfolios shortly after her inauguration (education and energy).

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